

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554**

In the Matter of)

ECHOSTAR SATELLITE OPERATING L.L.C.)

For Special Temporary Authority to Relocate)
the EchoStar 5 Satellite from 129° W.L. to)
147.925° W.L.)

File No. SAT-STA-20081003-00201

File No. SAT-STA-20090312-00035

File No. SAT-STA-2009____-____

Call Sign S2658

**APPLICATION TO RENEW SPECIAL TEMPORARY AUTHORITY AND
END TO RELOCATION EARLY AT 147.925° W.L.**

EchoStar Satellite Operating L.L.C. (“DISH”) respectfully requests renewal of its Special Temporary Authority (“STA”) for an additional 60 days to permit it to complete the move of the EchoStar 5 satellite from the 129° W.L. orbital location, where it has been operating as a Canadian-licensed satellite, to its authorized nominal orbital location at 148° W.L.¹ This STA is set to expire on May 15, 2009.² DISH also requests authority to end the satellite relocation early so that the satellite will be located at 147.925° W.L. rather than 148° W.L. as previously requested.³

The satellite will be located at 147.925° W.L. to ensure a safe cohabitation in the cluster with the EchoStar 1 satellite operating at 148.025° W.L.⁴ The extension of the above referenced

¹ File No. SAT-A/O-20081003-00215 (granted Feb. 3, 2009).

² See File No. SAT-STA-20090312-00035 (granted Apr. 3, 2009).

³ In conjunction with this Application, DISH is also filing a modification of its authority to operate to request authority to locate the satellite at, and operate it from, 147.925° W.L. See SAT-MOD-2009____-____ (filed April 30, 2009).

⁴ EchoStar 1 operates at a center orbital location of 148.025° W.L., within ±0.05° of its authorized 148.0° W.L. orbital location. See 47 C.F.R. 25.210(j).

STA is necessary to allow DISH to complete the relocation of the EchoStar 5 satellite to 147.925° W.L. As explained in the narrative submitted with the original STA, the move of the 32-transponder EchoStar 5 satellite to the 148° W.L. cluster, will replace the EchoStar 2 satellite (which is no longer under DISH's control) and free up the EchoStar 1 satellite (operating on the 16 odd DBS channels) for redeployment.⁵ In addition, locating the satellite at a safe orbital distance from EchoStar 1 serves the public interest and does not adversely affect the operations of any other spacecraft or other authorized spectrum users.

I. GRANT OF THIS APPLICATION IS IN THE PUBLIC INTEREST

The Commission has a long-standing policy of granting Special Temporary Authority where such authorization will not cause harmful interference and will serve the public interest, convenience and necessity.⁶ The proposed operations meet both of these tests.

The Ciel 2 satellite arrived at the nominal 129° W.L. orbital location and DISH began transferring traffic from EchoStar 5 on February 3, 2009. Because traffic transfer took longer than expected, DISH began to relocate EchoStar 5 to 147.925° W.L. on April 29, 2009, and expects the satellite to reach 147.925° W.L. on or around May 26, 2009. Just as it was in the public interest to initially authorize DISH to move the satellite to the 148° W.L. cluster,⁷ it is also in the public interest for the satellite to be authorized to complete its relocation maneuver.

⁵ DISH has requested authority to relocate EchoStar 1 to, and operate it from, the 77° W.L. orbital location. File Nos. SAT-STA-20090130-00013, SAT-STA-20090130-00014 (filed Jan. 30, 2009).

⁶ See, e.g., *In the Matter of Newcomb Communications, Inc.*, Order and Authorization, 8 FCC Rcd 3631, 3633 (1993); *In the Matter of Columbia Communications Corp.*, Order, 11 FCC Rcd 8639, 8640 (1996); *In the Matter of American Telephone & Telegraph Co.*, Order, 8 FCC Rcd 8742 (1993).

⁷ See Stamp Grant, File No. SAT-STA-20081003-00201, Call Sign S2658 (granted Jan. 7, 2009).

It is also in the public interest to allow DISH to end the satellite relocation maneuvers early to locate the satellite at 147.925° W.L. In order for EchoStar 1 and 5 to operate together temporarily at the nominal 148° W.L. orbital location, DISH has determined that the EchoStar 5 satellite should be located at 147.925° W.L. to ensure safe cohabitation with EchoStar 1 operating at 148.025° W.L. Because there are no other satellites operating at the nominal 148° W.L. orbital location, the precise location of EchoStar 5 within the 148° W.L. cluster is of no matter for any other operator.

DISH will coordinate the move of EchoStar 5 to 147.925° W.L. so that its TT&C communications do not cause harmful interference into any authorized user of the spectrum while en route. DISH will also ensure the safety of all spacecraft using that portion of the geostationary arc during the relocation.

II. SECTION 304 WAIVER

In accordance with Section 304 of the Communications Act of 1934, 47 U.S.C. § 304, DISH hereby waives any claim to the use of any particular frequency or of the electromagnetic spectrum because of the previous use of the same, whether by license or otherwise.

III. CONCLUSION

For the foregoing reasons, DISH respectfully requests renewal of its STA for an additional 60 days to move the EchoStar 5 satellite from 129° W.L. and to end the relocation early to locate the satellite at 147.925° W.L. During the relocation, DISH will adhere to all of the conditions imposed on the original STA.⁸

⁸ Stamp Grant, File No. SAT-STA-20081003-00201 (granted Jan. 7, 2009).

Respectfully submitted,

EchoStar Satellite Operating L.L.C.

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